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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,601	09/16/2005	Mathijs Theodorus Wilhelmus Van De Ven	3135-048013	9486

7590 08/04/2008
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EXAMINER

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
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2839

MAIL DATE	DELIVERY MODE
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08/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,601	Applicant(s) VAN DE VEN, MATHIJS THEODORUS WILHELMUS	
	Examiner CHANDRIKA PRASAD	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/15/08 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gripping element to grip on the sleeve of the signal line (optical cable) with a spring element engaging the rigid component and exerting a biasing force to the rigid component and away from the signal line and allow displacement of the gripped cable by external forces must be shown or the feature(s) canceled from the claims 19-37. No new matter should be entered.

Note: Figure 6 shows a gripping element 1 gripping a sleeve 20 of a signal line 19 but no spring element to provide a biasing force.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The following is a quotation of an appropriate paragraph of 37 CFR 1.75:

(d) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See 1.58(a)).

4. Specification is objected under 37 C.F.R. 1.75(d) because the gripping element to grip on the sleeve of the signal line (optical cable) with a spring element engaging the rigid component and exerting a biasing force to the rigid component and away from the signal line and allow displacement of the gripped cable by external forces has not been described in the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 19-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The gripping element to grip on the sleeve of the signal line (optical cable) with a spring element engaging the rigid component and exerting a biasing force to the rigid component and away from the signal line and allow displacement of the gripped cable by external forces has been neither shown in the drawing nor described in the specification and is thus considered not-enabling. If the spring engages the rigid component and the rigid component grips the sleeve of the cable, the external force would be transmitted to the signal line (cable) through the spring via the rigid component. How is it possible to remove the load away from the signal line?

7. Claims 19-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The gripping element to grip on the sleeve of the signal line (optical cable) with a spring element engaging the rigid component and exerting a biasing force to the rigid component and away from the signal line and allow displacement of the gripped cable by external forces has been neither shown in the drawing nor described in the specification and is thus considered a new matter.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 19-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claim 19 is confusing. First it requires that an external force should be removed away from the signal line (cable) and then it requires that the gripped cable be displaceable by external forces, which contradicts the previous condition.

Note: For the reasons cited above, this feature has been ignored.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 19-24 and 27-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Forman (4279469).

Forman (Figures 1-3) shows a gripping means for gripping a signal line comprising at least one rigid component 38 adapted to grip a sleeve 42 of a signal line (an optical cable) 12 wherein the gripping means includes a spring element 28 made of a flexible material, which engages and exerts a biasing force on the rigid component and away from the signal line to remove load of or loads on the rigid component . The spring element is embodied as a resilient sleeve on which the rigid component is

placed. The spring element is placed between two rigid components 60. The rigid components are fastened for fastening the gripping means to the signal line. An edge of the rigid component 10 is at right angles to the centre line of the signal line. The gripping means can be released or partially released from the signal line. The gripping means is at least partially combined with the sleeve. The gripping means is provided with a holding member 64 and is remote from the side connected to the signal line. The signal line is influenced by loads on the signal line. The signal line passes in a smooth line in the gripping means. The rigid component forms part of the sleeve. The signal line is embodied in a flexible sealing element.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forman (4279469) in view of Hinze (5703754).

Forman discloses all the features of these claims except the hardness of the rigid component being between 10 to 100 shores. Materials of such hardness are well known. Hinze discloses the use of materials with such hardness. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to make the rigid component of hardness between 10 to 100 shores as taught by Hinze, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

Response to Arguments

14. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection and not persuasive. Forman shows a gripping means for gripping a signal line comprising at least one rigid component 38 adapted to grip a sleeve 42 of a signal line (an optical cable) 12 wherein the gripping means includes a spring element 28 made of a flexible material, which engages and exerts a biasing force on the rigid component and away from the signal line to remove load of or loads on the rigid component .

Contact Information

15. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (571) 272-2099. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is 571-273-8300.

/Chandrika Prasad/
Primary examiner
August 02, 2008